

DRAFT LEGISLATION - SMOKING IN THE WORKPLACE**OPTION B**

SECTION 1. Employees are entitled to a safe and healthy work environment in accordance with the terms of the {Occupational and Safety Act.¹} Smoking is prohibited in indoor workplaces except that employers may permit smoking in separately ventilated workplaces to which nonsmokers are not assigned. Where separately ventilated workplaces are not provided, the employer shall provide a dedicated smoking lounge for use by employees in accordance with contractual agreements.

SECTION 2. Where other acts of Parliament mandate a different policy, such as in restaurants, medical facilities or schools, those policies shall govern, except that the employer shall provide an indoor, heated and separately ventilated facility in which smoking by employees is authorized.

Advantages

- Removes those annoyed by ETS from areas of exposure
- Secures right to smoke at work
- Employer may allow smoking in areas where non-smokers not assigned

Disadvantages

- Removes employer's prerogative to regulate
- Does not account for differences in ventilation and configuration of buildings
- In many cases, may impose solution where there is no problem
- Costly to provide separately ventilated work spaces for smoking employees
- Employees off job to smoke where separate smoking areas not authorized

¹ Substitute name of applicable Danish legislation